(2)

Supreme Court, U.S.
FILED
JUL 10 2001
OFFICE OF THE CLERK

No. 00-1883

In the

Supreme Court of the United States

October Term, 2000

Lynn D. Johnston, Petitioner

v.

[Removal Action] **Criminal Case No. 53 C 05 9711 IF 07936, Monroe County Court** *[embracing State Court §1983, Etc. Complaint Against Conspiracy Violating Civil Rights Under Color Of Law]* **Frank O'Bannon** (associated with Indiana Gen. Assembly & Office of Govnr.); **Dgls. R. Bridges, Kenneth G. Todd, David L. Welch, Elzbth. Mann, E. Michael Hoff, Marc R. Kellams, & Melissa B. Starry** (assoc. w. Off. of Cir. Ct. Judge); **Carl Salzmann, Jim Trulock, & Jeff Kehr** (assoc. w. Cnty. Prosc. Off.); **Pat Haley** (assoc. w. Cnty. Clerk Off.); **James Sinn, John Daugherty, Kira Moore, Stella Bruce, Donald Fowler, & Alicia Chesterfield** (assoc. w. Off. of Monroe Cnty. Jury); **Randy Williamson** (assoc. w. Off. of Mnr. Cnty. Sheriff); **Jeffrey Modisett** (assoc. w. Off. of Ind. Att. Gen.); **Andy Stephenson, Paul Norris, Jr., Ind. U. Trustees, Mike Patton & Others unknown by name** (assoc. w. Ind. Univ. Police Dept.); **Gary Gibson** (assoc. w. Indpls. Motor Veh. Com.) & **Jeff Byrd** (assoc. w. Indpls. Bu. of Mtr. Veh. Titles); **Dave Martin & Others unknown by name** (assoc. w. Blgtn. BMV Br.); **Nancy Carlstedt** (assoc. w. Blgtn. Hosp.); & **Bonding Agents & Insurers, & others, unknown by name.** Respondents

PETITION for WRIT of CERTIORARI

SUPPLEMENT

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QUESTIONS PRESENTED FOR REVIEW

(Preface) (A) The litigation flows from obstruction of defensive vindication petitions against Indiana's "civil infraction" law arising upon prejudicial refusal of equal BMV services leading to a "bad stop" "civil infraction" arrest, entry of a fraudulent judgment with extortionate money demand, followed by removal, remand and notice of state court appeal resulting in retaliations including disappearance and alteration of court records, non-warranted electronic bugging, entry of a guilty verdict by a non-sworn-in jury at a trial in absentia (to which Petitioner was not summoned) with judgment entry again (for more money), drivers license suspension, 40 days non-bailable, non-habeas imprisonment, threats of assault and harm, oppressions and trespasses, some of an ongoing nature and consequence. (B) Indiana's "civil infraction" law allows enterprising prosecutors to divert and block summoned citizens' access to judges by interposition of money solicitations or agreements for paid participation in "deferral programs" in exchange for case terminations. (C) The Monroe County Prosecutor's "Infraction Deferral Programs" enlarged his own office budget by roughly a quarter million dollars last year. Similar "victimless crime" revenue schemes exist in numerous states; but Indiana's Constitution requires both criminal "penal fines" and civil "forfeiture penalties," etc. to remain as the principal in the Common School Fund, a perpetual public trust fund whose income is inviolably appropriated for support of common schools in discharge of state educational duty.

(ONE) Upon what authority or interest does the Judicial Branch sanction obstruction of adjudicatory process ?

&

(TWO) In light of the Separation of Powers Articles, state and federal provisions establishing organic fundamental rights, and National Security Act related prohibitions against direct, indirect, and covert violations of citizens' rights by Executive Branch personnel and contractors, **upon what authority or interest does the Executive Branch undertake informal or covert Judicial Branch intervention, or placement of interlopers ?**

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Supplemental Developments

Petitioner's Certiorari filing was "Express Mailed" on June 13, 2001. On June 14, 2001, Petitioner received her copy of the state court's May 29, 2001 "Order of Dismissal"(postage meter strip dated May 31, 2001) from Respondent Clerk Haley.

The **Supplemental Appendix** shows the Indiana Order supposedly disposing of Petitioner's cause of action ("State Court Section 1983, ETC. Complaint Against Conspiracy Violating Civil Rights Under Color of Law" filed in the Monroe County Court July 18, 2000 **[Apx.E, p.64-79]**). The record shows that it had been neither voluntarily, nor freely filed in the county court, but instead manipulated there upon Respondents'oppression of Petitioner's equal private car travel rights, making car rental impossible and the Greyhound schedule for federal court, an onerous, 2-day trip. Respondents' conduct against normal progress of the suit provoked Removal to the federal court where processing was as a Removal Notice on Dec. 11, 2000 **[Apx.B, p.11]**. To date the statutorily required Certified Remand transferring jurisdiction back to the state court is not found in the state court docket or case file.

Petitioner's several pre-existing, pre-discovery (Aug. 11, 2000) motions **[Apx.D, p.86-99]** remain ignored while Respondents' subsequent motions were essentially satisfied by "dismissing out" the suit. This Order stands at variance from the legal scholarship and integrity anticipated from Special Judge Robertson, and it bears a remarkable resonance with Indiana Court of Appeals Chief Judge Sharpnack's purported "dismissing out" Order of Nov. 23, 1999 **[Apx.C, p.21]** relative to the Jan. 9, 1998 Infraction Judgment Notice of Appeal.

From a federal perspective, **absent a Certified Removal Remand, the Order can not demonstrate a jurisdictional basis,** and is premature. Under the **Ind. Const. (1851), no state jurisdiction exists absent a jury determination of the facts and the law.** Such disposal of a petition for redress of grievances, eliminates access to the demanded jury adjudication. The Order purports to be from the Special Judge selected and appointed specifically for disposal of Petitioner's case by Order of "RS," Randall Shepard, Indiana Supreme Court Chief Judge. Three reasons for dismissal are claimed; not filing within the applicable statute of limitations; failure to state a claim upon which relief may be given; and "where applicable," judicial immunity. No facts, nor law is cited in support, and from the time of his appointment

(when Petitioner's motions had already been hindered more than 90 days, the Special Judge took over 6 months more reviewing the stalled case without identifying any fact or law for support.

Reasons Supplemental for Granting the Writ

Petitioner recognizes "the style" of said Order as similar to prior orders/opinions, not of bona fide Judicial Branch Public Servants or legal scholars, but rather "Executive Partisans." It is a means of throwing another "monkey wrench" into the Judicial Branch machinery to frustrate and defeat Petitioner, consistent with the Certiorari facts speaking so loudly for themselves of (1) the Remand/Certification Citizenship Error, (2) the Jury Adjudication Error, (3) the Immunity Master-Servant Error, (4) the Democratic Republic-Separation of Powers Treason Error, (5) the Justice Purchase Fees Error, and (6) the Civil Power Over the Military Error.

Equality is an American foundational principle. The principle underlying immunity is inequality and that makes it unAmerican. Petitioner condems Respondents' reliance upon what must be seen as English and French theories of sovereign immunity for protection from the consequences of their joint and ongoing acts and omissions. Even under the various imperial monarchies, police and ministerial officers did not partake of the "divine right of kings," and of course, we have no king here in America where we all come before the law, i.e. the jury, equally. Obstruction of access to jury adjudication is treason against our form of government. Under English Crown Rule, the King was sovereign and without responsibility or accountability to the people. Legal process against the monarch's subjects made use of the king's name, whereas criminal process against sovereign American citizens is captioned, "In the name of the people of..." indicative of the relationship of agency and the sovereignty of the common people who live not under monarchy, nor sovereign government, but a republican form of democracy, of and by a sovereign people.

The organic and common law of the United States is that of agency. The phrase "all power is inherent in the people" **(Ind. Const. (1851) Art. I, §I)**, identifies the agency or master/servant relationship. "The people" are intended to have the final word and rule over government agents through democratic processes of trial by jury, election, etc. The contract for government is the organic, fundamental law of the land, i.e. the **1776 Declaration of Independence, 1777 Articles of Confederation, 1787 Northwest**

Ordinance, 1789 US Constitution, 1791 Bill of Rights, state constitutions, and laws passed pursuant thereto, all affirming the right of jury adjudication. **The agent may not rise above the principal by subverting jury rights**, not out of judicial trepidations of "irresponsible" or "prejudiced jurors," convenience, theories of superiority, want of power, or anything else. In acknowledgement of this principal/agent relationship, Supreme Court Justice Field said: "There is no such thing as a power of inherent sovereignty in the government of the United States...In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld" **(Julliard v Greenman, 110 US 421) (1884)).**

The people of Great Britain and France were not the sovereigns, their rulers were; and this alone was enough for the creation of American organic and common law, and that law is the law of agency; and with it comes the public servants'"risk of liability and exposure from a jury or a free press. The demand for trial by jury is the demand that the people interpret and apply the law as they, in good conscience, see fit. The necessity of accountability and respect for jury adjudication are critical to the right of the people to serve as the final check against public servants. If the jury were accountable to the government, this most important check would be lost. The role and function of juries should be discussed in terms of sovereignty that is, in terms of who makes binding decisions, or who should make them.

The viability of the American court system can only be maintained, if the court as an instrument, is accountable to the people under the tenets of the democratic republic theory of jury adjudication rights. The concept of jury nullification derives its authenticity from a functional and historical analysis of the role of the jury as the guardian of liberty and the all encompassing right of conscience in a democratic republic **(Bushnell case, 6 Howard's State Trials, 999 (1690))**. The jury is the one final check and balance on governmental power, and since it has no ambition, it gives the law an acceptance which verdicts of judges cannot do. " It doth not vitiate a verdict," complaining that the jury have mistaken the law or the evidence, because "the jury who shall try the cause shall be judges of the law as well as the fact" for by practice of this state, they are judges of of both...." **(Whitter v Brewster, Kirbly 422, 423 (Conn. 1788))**. In Congress on the subject of jury rights, Robert Goodloe Harper of South Carolina urged that "there could be no need of such an amend-

ment, [because] it was well known that in this county, the jury were always the judges of the law as well as the facts, in libels, as well in every other case" **(8 Annals of Cong. 2135 et seq (1798))**. Subsequently in the **Samuel Chase Impeachment Trial**, the **3rd and 4th Articles of Impeachment** made formal issue of his attempt to deny the right of defense counsel to argue to a jury that the act was unconstitutional and for him to deny the jury's right to rule on the admissibility of evidence **(Report of the Trial of the Hon. Samuel Chase, Evans ed. 1805, appx. at 4)**. The first Pennsylvanian unqualifiedly to oppose the position that the jury were judges of the law and fact was Judge Alexander Addison. In his charges to the grand jury and in a number of decisions he vigorously repudiated the notion that the jurors could properly disregard the court's instructions, consequently he was removed by impeachment **(Trial of Alexander Addison, Lloyd ed 1803)**.

The May 29, 2001 Order of the Special Judge is a contempt against the federal jurisdiction, and usurpative of the **Ind. const.** which lays a solemn, oath-bound duty upon jurors to judge both the law and facts, in support of the precept that is the duty of a free people to stay free and in control of governmental servants by such reasonable, but formidable means as jury adjudication. Thus, no such "dismissing out" of Petitioner's litigation is possible absent the approbation of the jury. Obstruction of access for jury adjudication, is obstruction of justice, and usurpation of the form and function of the one critical division of government to which all other must yield, and it is more than error or corruption, it is treasonous.

Liabilities properly grow out of the American peoples' law of agency, and they all lay against the government to the benefit of free sovereign principals who are entitled to make judgments against said agents through their most important democratic institution: the jury. The Vermont Supreme Court found the jury's rights to be "a true principle of the common law" which is "peculiarly appropriate to a free government" **(State v Wilkinson, 2 Vt 480 (1829) at 488, 489)**. Supreme Court Justice Oliver Wendel Holmes said: "The jury has the power to bring in a verdict in the teeth of both law and the facts" **(Horning v DC, 254 US 135, 138 (1920)**. The principle for jury nullification "is one of those great exceptional rules intended for the security of the citizen against any impracticable refinements in the law, or any supposable or possible tyranny or oppression of the courts...[and] "a great landmark of liberty" **(Judge Redfield, C. J. in State v**

McDonnell, 32 Vt 491 (1860), at 461, 531-32). The judges in Rhode Island held office "not for the purpose of deciding causes, for the jury decided all questions of law and fact: but merely to preserve order, and see that the parties had a fair chance with the jury (Chipman and Eaton, The Development of the Judicial Systems in Rhond Island (1905) 14 Yale L.J. 148, 153)). Under the frontier conditions of early Illinois (formerly part of Indiana), the judges in both civil and criminal cases were reluctant to assume the responsibility of deciding questions of law, preferring to leave all matters to the determinations of juries (Ford, History of Illinois (1854), p.83). In early Michigan (formerly part of Indiana), "An act concerning grand and petite jurors of February 7, 1820," §6, (Laws of the Territory of Michigan, p.137) acknowledges the complete right of the jury to return a general verdict without explanation or latitude for governmental manipulation." The principle of the right to trial by jury embraces entitlement to argue the unconstitutionality of a law (Commonwealth of Mass. v Abbott. 13 Metc. 120 (1847)). In the 1838 appeal of the Washtenaw County case of Burhans v Reynolds, a labor dispute in which the trial judge tried to usurp the rights of the jury (January 19, 1838, Unreported Opinions of the Michigan Supreme Court: 1836-1843, p.17, ed by Wm. Blume, U of M Press), the high court held that: "...jurors are judges of the law as well as the facts..."

The "Northwest Ordinance" (July 13, 1787) "Temporary Government §14" declares that: "... the...articles of compact between the original states, and the people and states in the said territory, and forever remain unalterable, unless by the common consent, to wit:... Article 2..." the inhabitants of said territory shall always be entitled to the benefits of the writ of habeas corpus and trial by jury...." This guarantee was brought forward and made a permanent part of the organic, fundamental law of the land in the Act of August 7, 1789 by which the First Congress provided that the Northwest Ordinance be adapted to the US Constitution, attesting to the elevated importance given the original, enduring rights so established. Anyone denying organic territorial rights as well as the American common law precedents established thereby, invites a history lesson, if not a federal civil rights suit because, in the intervening 200+ years, there has been no common consent of the electors to revoke said jury rights whatsoever. Respectful application is given to the jury adjudication guarantee in the processing of crimes, civil disputes,

divorces ("An act concerning grand and petite jurors of February 7, 1820, §6, "An act to regulate and define the duties and powers of the justices of the peace and constables in civil cases of May 20, 1820, §7, and "An act concerning divorces §2 of November 30, 1819," (Laws of the Michigan Territory, p.137,139,229), and according to the Transactions of the Supreme Court of Michigan 1805-1814, Case Number 87 (vol.1, p.106, & vol.2, p.186-187 (In the Matter of Francis Desforges, a Lunatic, 1807, Blume, U of M Publications)), even proceedings to determine lunacy and restoration of mental capacity are domain of juries. The Laws of the Territory of Michigan (1820), p.18 has as its first law "An act for establishing courts of probate of July 27, 1819, §5, which provides that "...the sanity of the testator, or the attestation of the witnesses... be tried before a jury...." In Transactions of the Supreme Court of Michigan 1805-1814, vol.1, Cases No, 228 and 229, p.329 (In the matters of Jacob Smith, and Isaac Burnett, habeas corpus October 17, 1809), Judge Woodward held that "the bill extending the jurisdiction of magistrates to $50 without a jury is not a law obligatory upon the inhabitants of this territory," and Case No. 227, p.328 (In the matter of Moses David, October 26, 1809) is to the point of the government responsible by suits for compensation upon damaging defaults or misconduct through jury trials. The Opinion by Woodward, C.J. [at part 3] says that "executive officers are liable to an action for every invasion of the rights of the citizens... [and at part 4] [by actions and impeachments the rights of citizens are better guarded than if courts of judges, particularly subordinate courts, should attempt to control purely executive power." In the Laws of the Territory of Michigan (1820) and the earlier Woodward Code (1805) performance bonds were required, of Executive Branch public servants, and no immunity existed. If a citizen complained of a default of duty, negligence, oppression or misfeasance of office, the evaluation and decision of the issue was left to the judgment of a jury. Prior to 1835 persons aggrieved of governmental acts or omissions, had an unequivocal right to an ordinary, fair recourse by way of taking the case to a jury.

The breadth of the jury rights referenced and preserved in the current Ind. Const. (1851) are the same jury rights as existed and were brought forward from the territorial government, and Articles of Confederation and US Congress' authorization for the making of laws in the Indiana Territory prior to statehood has been carried forward to the Fed. Rules of Civ. Procedure 38(a)

providing that the right to trial by jury of civil cases at common law of $20 or more "as declared by the 7th Am. to the Const. or as given by statutes of the United States shall be preserved to the parties inviolate." Indiana is in contemptuous violation of its formal assent to the terms and conditions under which statehood was granted [Apx.D, p.75-79; Apx.K, p.191-193, 200].

The regional territorial, pre-constitution-1789 "common law," is the process provided by, for example, the **Woodward Code (1805) at p.37** [adapted from Pennsylvania laws] for actions against "any justice...for any thing done in the execution of his office" if commenced "within one year after the act committed (**Cass Code (1816)**), and the **Laws of the Territory of Michigan (1820) at p.114 ,145 & 474**, providing that "every sheriff or other officer, who shall offend against, or refuse to obey any of the provisions contained in this act" shall be liable to "TREBLE damages to the party grieved, to be recovered by an action of debt...with costs," and providing that "in all prosecutions for any crime, or misdemeanor... if the defendant or prisoner be discharged on examination by such magistrate, or acquitted on trial, the prosecutor shall pay all costs, and execution may be issued as in civil cases." The intent of such legislation was to make government and lawyers, publicly honest and financially responsible, with a guarantee of collectible judgments for you or debtors' prison for them. The existence of such laws does away with errant notions of any historical basis whatsoever for immunity from suit, and it was judges and governors who drafted initial territorial laws. Under the principle of equality of electors, jurors, the **Ind. Const. (1851), Art. VII, §21** provides that anyone can "practice law in the state who is a voter and of good moral character" (the Indiana courts' attempt to subvert the equality principle by finding a new definition for the term "electors of the state" and specially adopting new reasoning for reaching a partisan result to do away with the judge and bar despised **Art. VII, § 21** notwithstanding **(1932 Am Bar Asso J p.137-8)**.

In light of the power of taxation, the principle that access to Executive, Legislative and Judicial Branch processes should be without "entry fee" solicitations, is acknowledged by **Ind. Const. (1851) Art. I, §12** (....Justice shall be administered freely, and without purchase). Among other things, the Order of the Special Judge, fails to address Petitioner's objections to solicitation of court access fees. They unAmerican in principle,

and error, amounting to a capitation tax, (an ancient kind of tribute used to distinguished between taxes on persons and taxes on merchandise). Thus while court fees are constitutionally prohibited in Indiana, the federal court is also prevented from solicitation of court access fees because current federal practices amount to unapportioned capitation taxes, and all such direct taxes from the **1787 Northwest Territory Ordinance** forward must be apportioned among the territories/states.

The Mich. Const. (1835), Art. I, §3 declared that "no man or set of men are entitled to exclusive or separate privileges" doing away with the errant notion those in government should be entitled to the privilege of immunity from prosecution. **The wise intent of such law was to assure the responsibility of government to the people through "inviolate" accountability before a jury.** The historical breadth of the common law right of jury justice against "trespasses" or "color of law" acts or omissions is undeniable.

There is absolutely no satisfactory evidence that the Congresses responsible for the Civil Rights Act intended that judges should be free to deprive citizens of their federal constitutional rights; to the contrary, the available evidence indicates an intent that all persons should respond when they deprived others of their federal civil rights. Proper political policy requires that judges be equally subject to the law. The idea that they are immune from consequences flies in the face of constitutional principles, and is error. Apart from Petitioner's cause of action, one judge left his bench to throw out a 65 year old citizen forcing him through the door, then throwing him on the floor, jumping on and beating him. Other judges have ordered men castrated, and have had orphan children whipped upon bribery payment (see **Civil Right Civil Action, Vol. 1, §99 by Chester J. Aniteau**). The Civil Rights Act is not to be rewritten by judges to encourage such conduct. Victims of this kind of illegal behavior are not to be denied their remedy. The legislation of the post-Civil War period was premised on the belief that the fundamental rights of the individual should be defined and enforced by the federal government, but this Court has consistently refused to accept this premise, substituting the belief that civil rights lie within the realm of state power. "Hardy indeed would be the plaintiff who could drive his complaint safely around all these constitutional roadblocks set up by the Court" **(Collin v Hardyman, 341 US 651, 71 S. Ct. 937 (1951))**.

Most judges are more cognizant than others in the matter of deliberately depriving citizens of their constitutional rights. If a society strongly believes competent lawyers will not become judges under a rule making them equally responsible to the jury and law like other people, it can pay the premiums on policies covering these judges against their lawless behavior; or similarly to the good faith, "probable cause certificate" protection for revenue agents under 28 USC 2006 (whereby jury awards may be paid out of the US Treasury instead of by the errant public servant), such law could be extended to others.

A reason customarily given for immunizing judges is that the specter of law suits will prevent them from fearlessly administering the law. The exact opposite is true. There is no fear of being caught, being held accountable, or being punished, Immunized public officials fearlessly manipulate and pervert the administration of justice to their own agenda or for financial interests, as 'Court-Blessed" special people of privilege. The immunity given by this Court to other judges is an absolute immunity from actions for damages so long as they are acting within the jurisdiction over both the person and the subject-matter. The course of Petitioner's right vindication petitions demonstrate the gravity of the error in principle and practice, exemplifying the resultant "imprudence" thriving in Indiana. Predictably the infamous Indiana case precedent which endorses judges having little girls sterilized without their knowledge or consent (Stump v Sparkman (1978) 435 US 349, 55 L Ed 2d 331, 98 S Ct 1099, reh den 436 US 951, 56 L Ed 2d 795, 98 S. Ct 2862), bears its unprincipled "above-the-law-fruits." Petitioner's actions, exposing a RICO-like multi-million dollar infraction revenue conversion scheme defrauding the Common School Fund (Apx.D, p.79) for the State General Fund and discretionary county prosecutors' "deferral programs" (but inviting use for such purposes as settlement of personal debts), makes the instant cause a particularly fitting place to correct the errors. It is not essential to the well being of the judiciary nor the military where authority is abused for injustice or oppression, that the party injured is told the complaint is "a wrong without a re-dress," or it "fails to state a claim for which relief can be granted." Nor is there any sound reason for holding that federal courts should not have the power to issue injunctive relief against the commission of acts in violation of a plaintiff's civil rights by state judges acting in their official capacity.

The gravity of the constitutional errors glare in the political principle crisis flowing from a minor traffic ticket, against an invidiously discriminated against citizen, victimized by a mortally bankrupt justice system, by uneducated jurors-interlopers, and by a paranoid, treasonous 'Black Flagg' "national security" faction imposing "kingly "or chattel-slavery-like "rights of property" against citizens by abductive technologies, surreptitious intrusions and invasion of citizens' rights and private domains, homes and bodies viaTeleguard type devices, micro-implants, non-consensual infrasound experiments with "molestation citizens on account of their religious sentiments" by such "mind control" shows such as Operation Blue Light, Project Holly See, etc. in the violation of the **Northwest Ordinance paragraphs 15 & 20, the 3rd, 4th, etc. Am.**, and in violation of citizens' right of civil control over the Executive Branch military power (see **Apx. K, p.188-190, 193-197.** ("Information Operations: A New War Fighting capability research paper presented to the Air Force 2025, Aug. 1996 RE: overcoming "social and cultural biases to a brain implanted decision tool; the CIA's "Mankind Research Unlimited" RE: "brain cleanser "psycho-acoustical infrasound, etc.).

The purpose of federal post-Civil War civil rights legislation was protection against state officers' and agents' violation of constitutional rights. No government 'agent of the people' is higher than the constitution. The state exists to preserve individual freedom. The structure of 'liberty under law' government needs to be refreshed and old error patterns typified by Stump/Slaughterhouse /Pierson etc., rendered obsolete. The larger principle is that in the greater evolutionary scheme, all in error, learning from consequences, move forward in the light of increased knowledge in the free choice system. The **14th Amendment** was intended to give practical effect to inalienable rights, the gift of the creator, which the law does not confer, but only recognizes. The remedy for state denial of rights is removal or federal supervision; the remedy for the feared flood of state cases is, no immunity; the remedy for bad police and military judgment, abuse and "error," is full exposure and full liability; the remedy for corrupt judges and prosecutor is exposure and petite and grand jury decisions for everything; the remedy for alarmist concerns that anyone could make a mistake while under color of law, is honest and performance bonds, etc...and the jury.....

July 12, 2001 Respectfully submitted,

STATE OF INDIANA) IN THE MONROE CIRCUIT COURT
)
COUNTY OF MONROE) CAUSE NO. 53C04-0007-CP-01040

LYNN JOHNSTON,
Plaintiff,
Vs.
FRANK O'BANNON, ET AL,
Defendants.

ORDER OF DISMISSAL

The court having reviewed the files herein is now duly advised in the premises.

Based upon the pleadings the court does now grant all of the several motions to dismiss, for the following reasons:

1. The cause was not filed within the applicable statute of limitations.

2. The complaint fails to state a claim upon which relief can be granted.

3. Where applicable judicial immunity applies.

This cause is ordered dismissed as to all defendants.

So ordered, considered, and adjudged this 29th day of May, 2001.

/s/_____

Jonathan J. Robertson, Special Judge
Monroe Circuit Court #4

Distribution:
Lynn Johnston
Counsel of Record
Clerk
RJO
File